S.B.Cr.Misc. Bail App. No. 5335/2007
(Amjad Khan Vs. State of Rajasthan)

Date of order : 29/10/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Ramesh Purohit for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that co-accused Bhuriya @ Jahagir was granted bail by Co-ordinate Bench of this Court vide order dated 11.8.2006 and co-accused Yusuf was granted bail by this Court on 01.12.2006 and the case of the present petitioner is not distinguishable from that of the co-accused. Learned counsel for the petitioner submits that nothing has been recovered from the present petitioner. The petitioner was not named in the secret information received as also at the time of Nakabandi, the petitioner was not there.

Looking to the facts and circumstances of the case and the fact that similarly situated co-accused Bhuriya @ Jahagir and Yusuf have been granted bail, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Amjad Khan S/o Sabut Khan

be released on bail in FIR No. 503/2004 P.S. Pratapgarh, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP